

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

- F035516** **People v. Shrabel**
The judgment is reversed. Wiseman, J.
We concur: Vartabedian, Acting P.J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F038569** **In re Justin R., a Minor**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F037152** **Hall et al., v. Co. of Fresno et al.,**
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.
- F037152** **Hall et al., v. Co. of Fresno et al.,**
The judgment is affirmed. Cornell, J.
We concur: Dibiaso, Acting P.J.; Vartabedian, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F035093** **People v. Hall**
The conspiracy conviction is reversed with retrial prohibited. In all other respects, the judgment is affirmed. Vartabedian, J.
We concur: Dibiaso, Acting P.J.; Wiseman, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F036000** **Greene v. Central Valley Publishing, Inc. et al.,**
The judgment is affirmed. Buckley, J.
We concur: Harris, Acting P.J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F033814 People v. Howell

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Wiseman, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036446 People v. Francis

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F035862 People v. Haselman

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F034910 People v. Francisco C., et al.

The judgment as to appellant Francisco C. is affirmed. The judgment as to appellant Santos C. is modified to impose a five-year enhancement pursuant to Penal Code section 667, subdivision (a), consecutive to the term imposed in count III. The superior court is directed to prepare a modified abstract of judgment as to Santos C. reflecting such change in the sentence and forward it to the Department of Corrections. As so modified, the judgment as to appellant Santos C. is affirmed. Harris, P.J.

We concur: Ardaiz, J.; Dibiaso, J.

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F034013 People v. Alonso et al.,

The judgment of conviction of all counts and true findings of prior convictions as to both appellants is reversed, and the matter is remanded with directions to conduct a new Wheeler hearing. Since we determine the trial court did find that appellants made a prima facie case of group bias as to Mr. M. and Ms. S-H., the prosecution must now come forward and state reasons for excusing those jurors. The trial court is to then consider whether the prosecution's reasons are genuine and not based on group bias. If the trial court finds the prosecution's explanations credible and supportive of its preemptory challenges independent of group bias, the trial court must deny the motion. If the motion is denied, the judgment shall be reinstated in accord with this opinion. If the prosecution's explanation is based on group bias, or is disbelieved, then the trial court must grant the motion and the appellants shall be given a new trial.

Reed, J.

We concur: Ardaiz, P.J.; Dibiaso, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037255 People v. Pienzo

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037255 People v. Pienzo

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037528 People v. Gracian

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
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- F037528 People v. Gracian**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F036355 People v. Delouth**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F036355 People v. Delouth**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F037478 People v. Finister**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F037478 People v. Finister**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F036538 People v. Higgins**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.
- F036538 People v. Higgins**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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F038538 In re Jesus E., a Minor.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F038538 In re Jesus E., a Minor.

The order denying visitation rights to Jesus S., Sr., is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]